P.R. No. 2019/06
Presented by Sushma Chandel
dated 22/4/06

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. /2006 SINGLE BENCH

PETITIONER :- Brij Bhukhan S/o Shri Pawan Sai, aged about 40 years, S.E.C.L. Employee, R/o village and Post Pandavapara Colliery, District Korea [C.G.]

VERSUS

RESPONDENTS :- (1) Union of India, Through- The Principal Secretary of Ministry of Coal, New Delhi.

R1C Bhuvaram 22/4/06
for THAKUR VIJAY SINGH
Asst. Solicitor General of India
CHHATTISGARH HIGH COURT
High Court Campus, Bilaspur (C.G.)

(2) Chief General Manager, South Eastern Coal fields Limited [SECL] Seepat Road, Bilaspur [C.G.].

(3) Chief General Manager SECL, Baikunthpur, District Korea [C.G.].

(4) Sub Area Manager, SECL Jhilmili, Sub Area- Pandavapara Colliery, District Korea [C.G.].

PETITION UNDER ARTICLE 226 /227 OF CONSTITUTION OF INDIA

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1958/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24.4.2006

Shri J.K. Shastri, Advocate for the petitioner.

Shri S.K. Beriwal, Sr. Panel Counsel takes notice on behalf of respondent No.1.

Dr. N.K. Shukla, Sr. Advocate with Shri Sunil Mersa, Advocate directed to take notice on behalf of respondents No.2 to 4.

Heard.

The petitioner's case is that he was appointed on 22.6.1995 as Piece Rated Worker (Loader) at the rate of Rs.88.93 paise per day with Special Piece Rated allowance of Rs.4.24 paise. The petitioner was given wages at the above rate upto 31.01.1998 and thereafter his category has been changed from Piece Rated Worker to Time Rated Worker from the month of February, 1998. The grievance of the petitioner is that after the change of his category the respondents are not providing him the benefit of pay protection, whereas, as per circular dated 17.2.1995 he is entitled for the same and in this regard, the petitioner has made several representations to the respondents but they are not paying any heed to the same.

Learned counsel for the petitioner submitted that as per provisions of Section 33 of the Industrial Disputes Act alternative remedy is available to the petitioner, but he prayed that the petitioner may be directed to make a detailed representation before respondent

[पीछे देखिये

XI-HC-22

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

No.3 and in turn respondent No.3 may be directed to decide the representation in accordance with law.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the request made by counsel for the petitioner appears to be just, fair and reasonable, therefore, the petitioner is allowed to make a detailed representation to respondent No.3 within ten days from today and in turn respondent No.3 is directed to decide the representation of the petitioner in accordance with law within a period of three months from the date of receipt of the representation.

With the direction aforesaid, the petition stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/-